

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT L. COLLINS BEY,

Plaintiff,

v.

GERALD A. BERGE, RICHARD SCHNEITER,
PETER HUIBREGTSE, GARY BOUGHTON
and JUDITH HUIBREGTSE,

Defendants.

ORDER

08-cv-747-bbc

Plaintiff Robert Collins Bey was granted leave to proceed in forma pauperis on his claim that defendants violated his First Amendment rights when they restricted visitation and mail privileges between him and Peggy Swan. On July 21, 2009, I denied plaintiff's second motion for an extension of time to file his brief in opposition to defendants' motion for summary judgment. He filed his opposition brief together with his motion for summary judgment on July 27, 2009. Now before the court is plaintiff's motion to compel defendants to answer his second request for production of documents and his second interrogatories within ten days.

In his motion to compel plaintiff stated that he needed the expedited discovery

responses in order to respond to defendants' motion for summary judgment. As defendants point out, plaintiff's second set of discovery requests ask for information defendants have provided in the affidavits and attached exhibits they filed in support of their motion for summary judgment. Therefore, plaintiff had the requested information before he filed his brief in opposition to defendants' motion for summary judgment on July 27. Plaintiff's motion to compel defendants to answer his discovery requests within ten days will be denied. Defendants shall respond to plaintiff's discovery requests within thirty days, as required by the Federal Rules.

ORDER

IT IS ORDERED that plaintiff's motion to compel discovery, dkt. #58, is DENIED.

Entered this 28th day of July, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge